IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3418 of 2002
WITH
SPECIAL CIVIL APPLICATION No 3419 of 2002
&
SPECIAL CIVIL APPLICATION No 3421 of 2002
WITH
CIVIL APPLICATION No 2706 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

SAJJANBEN MAGHABHAI KHANDVI

Appearance:

1. Special Civil Application Nos. 3418, 3419 & 3421 of 2002 with Civil Application No 2706 of 2003
MR NC SOOD, AGP for Petitioner No. 1
MR TR MISHRA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 01/12/2003

ORAL JUDGEMENT

Since common point is involved in all these petitions, the same are disposed of by this common judgement.

2) The State Government has challenged the orders passed by the Presiding Officer of the Labour Court, Ahmedabad in various Recovery Applications. This Court while admitting these matters has stayed the recovery orders. Since the parties have settled their dispute inter se, it is not necessary to deal with the factual aspect of the matter in detail. After considering the facts and circumstances of the case, the State Government has agreed that towards the amount which is claimed by the respondents in recovery applications, the State shall pay in all Rs.23,292/- to each respondent-workman herein. It is submitted that the aforesaid amount will be paid latest within a period of one month from today, as some formalities are required to be undergone through treasury office.

3) Mr.Sood, learned AGP after taking instructions from the officer, who is present in the Court, submitted that the aforesaid amount shall be paid towards full and final settlement of the claim of each of the respondent herein, which is the subject matter of various recovery orders, which are impugned in all these petitions.

4) Mr.Mishra, after taking instructions from the representative of the Union, states that the respondent in each of these petitions is willing to accept the said amount in order to cut short the dispute so that the matter may not prolong further. According to him, out of three respondents, two have already retired. Since the respondents have shown this good gesture for putting an end to the dispute and since the Government is also willing to pay the amount in question to each concerned workman, these petitions are disposed of in view of the consensus prevailing between the parties. It is accordingly ordered that each of the respondents shall be paid Rs.23,292/- latest within a period of one month from today, and on receiving the said amount the claim of each respondent shall stand satisfied. All these recovery orders also stand satisfied on receiving the aforesaid amount.

5) At this stage, Mr.Mishra for the respondents submitted that concerned respondents are entitled to get revised pension in view of increase in D.A. etc. He has

submitted that in view of the pendency of these petitions, perhaps the respondents have not been given the benefit of revised pension. Considering the said aspect, the petitioner is directed to decide the claim of the respondents, if pending for revising their pension as per Rules and appropriate decision may be taken in this behalf in accordance with law within a period of one month from today and thereafter, pension papers be immediately forwarded to the Pension Department so that the concerned respondent may get revised pension. If no such application is made, it will be open for the respondents to apply for the same within a period of one week from today so that the question of revision of pension be decided within the stipulated time.

6) In view of this happy end to these proceedings, nothing further is required to be done in all these matters and accordingly all these matters are partly allowed as per the consensus arrived at between the parties. Accordingly recovery applications are allowed to the aforesaid extent as indicated above in this order. Rule is made absolute partly with no order as to costs. Ad-interim relief granted earlier stands vacated. Writ be sent forthwith.

(P.B.Majmudar,J.)
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